

**THE COMMITTEE ON GOVERNMENT EFFICIENCY AND OPENNESS  
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

**ACTIONS FOR  
MONDAY, JANUARY 31, 2005, AT 9:00 A.M.**

**COUNCIL COMMITTEE ROOM (12TH FLOOR), CITY ADMINISTRATION  
BUILDING  
202 C STREET, SAN DIEGO, CALIFORNIA**

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NON-AGENDA PUBLIC COMMENT: Theresa Quiroz

Currently pays for all Council Committee agendas to be sent to her by mail and did not receive the January 31, 2005, agenda. She requested that she be sent the Government Efficiency and Openness (GE&O) Committee agendas for future meetings.

NON-AGENDA PUBLIC COMMENT: Jim Varnadore

Made two suggestions that the GE&O Committee might want to consider:

1. Consider not meeting on a regular basis so that all agenda items are of importance.
2. Consider how the GE&O Committee will mesh with the new "Strong Mayor" form of government.

NON-AGENDA PUBLIC COMMENT: Andy Berg

Voiced his support for the GE&O Committee and stated that it is a good place for the public to air their ideas and concerns.

NON-AGENDA PUBLIC COMMENT: Phil Hart

Requested a copy of Proposition D and noted that the GE&O Committee should discuss the current public comment format at City Council.

NON-AGENDA PUBLIC COMMENT: Al Strohle

City Council should justify all closed-door sessions by citing relevant sections of the Brown Act.

COUNCIL COMMENT: Councilmember Atkins noted that she needed to leave early due to a prior commitment, but would be in full attendance for all other GE&O Committee meetings.

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COUNCIL COMMENT: Councilmember Maienschein commented that he looked forward to serving on the GE&O Committee and working with Chairperson Frye and Councilmember Atkins.

COUNCIL COMMENT: Chairperson Frye noted that Councilmember Atkins is the Vice-Chair of the GE&O Committee.

ADOPTION AGENDA

ITEM-1: Report on Brown Act requirements regarding the NOVEMBER 19, 2004, AND JANUARY 21, 2005, SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM (SDCERS) BOARD MEETINGS.

(See Diann Shipion's December 9, 2004, letter with attachments; Councilmember Frye's December 16, 2004, memo with response attached; Councilmember Frye's December 16, 2004, memo with attachments; Terry Francke's January 20, 2005, letter; San Diego City Employees' Retirement System's (SDCERS) January 21, 2005, agenda; California Government Code (Chapter 9, Section 54950.5) covering the Ralph M. Brown Act, specifically 54956.9; Diann Shipion's PowerPoint)

Public Comment Received by:

Ian Trowbridge:

Stated that he believes there were violations of the Brown Act and that discipline should be taken against the police lieutenant involved, and that the Mayor has not taken the appropriate action needed, for example, removing City employees and SDCERS Board Trustees.

Al Strohlein:

Many scandals and poor City decisions could have been avoided by ensuring that meetings are open to the public and receive public input.

Commander Bert Decker:

Thanked Ms. Shipione and Chairperson Frye for their work for the City.

Erica Mendelson, representing the Performance Institute:

Supports Ms. Shipione; she has served the taxpayers of San Diego well. The Performance Institute is currently undergoing similar consequences for serving the taxpayers of San Diego.

Joe Flynn:

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Thanked the GE&O Committee for taking this issue up. San Diego City Employees' Retirement System Board only takes public comment at the end of the meeting.

**ACTION:** Motion by Councilmember Maienschein, second by Chairperson Frye, in regards to potential Brown Act violations by the San Diego City Employees' Retirement System (SDCERS) Board, direct the City Attorney, by February 14, 2005, to provide the GE&O Committee with the legal remedies available including whether the City Council can file suit to pursue violations of the Brown Act; that the GE&O Committee be provided with a report by the appropriate City departments on what the procedures are in adjusting the disbursement of pension checks when a retiree is deceased; what the City of San Diego practice has been in the past and what the standard practice is. Chairperson Frye will ask the City Attorney to take swift and immediate action.

**VOTE:** 2-0; Frye-yea, Atkins-not present, Maienschein-yea,

**ITEM-2: Government Efficiency & Openness Committee 2005 AGENDA SETTING SUGGESTIONS.**

Public Comment Received by:

Commander Bert Decker:

Requested that the GE&O Committee consider investigating where former Councilmember Byron Wear's office files are located.

Al Strohlein:

Requested a report come before the GE&O Committee regarding former Councilmember Byron Wear's office documents. He also would like the GE&O Committee to investigate how much John Kern paid into the Deferred Retirement Options Program (DROP) and what he will receive as a benefit for four (4) years of service.

Theresa Quiroz:

Suggested that the GE&O Committee should discuss what the procedures are for removing a City Council appointee.

Ian Trowbridge:

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Suggested a number of recommendations:

1. Political Action Committees (PAC) should be required to file financial reports to the City Clerk.
2. All City agencies should follow the same Brown Act procedures as the City Council.
3. Ensure all electronic campaign filings be done correctly.
4. Retention of all Council appointments for two (2) years.

Bryan Barton:

The GE&O Committee should support students' rights to have news racks for distribution of newspapers on college campuses.

Bruce Henderson (written correspondence):

Would like the GE&O Committee to address the following issues:

1. Regulations implementing City Charter Section 225
2. Use the San Diego Library Foundation as a case study to determine the level of disclosure that should be provided by the City.

**ACTION:** The Government Efficiency and Openness Committee received all suggestions for future agenda items.

Donna Frye  
Chair